

No 329. 1632. July 7. LD RENTON *against* LD WEDDERBURN.

AN allegiance, That the wife had corrupted and bribed the witnesses led in a process between her husband and a third party, was not found relevant to be proved by her oath against her husband.

Fol. Dic. v. 2. p. 239. Durie.

*** This case is No 224. p. 6767, *voce* IMPROBATION.

No 330. 1661. December 12. HEPBURN *against* HAMILTON of Orbeston.

THOUGH the tutor's oath of knowledge of any debt due by his pupil's predecessor will not prove against the pupil, because there he depones *tanquam qui-libet*; yet his oath, as to deeds of administration done by himself, will prove against the pupil.

Fol. Dic. v. 2. p. 238. Stair,

*** This case is No 53. p. 8465, *voce* LOCUS POENITENTIÆ.

No 331. 1675. December 7. DALLING *against* MACKENZIE.

A WOMAN is understood to be *præposita negotiis domesticis*, so that for the provision of her house she may take from the flesher and bakers and others such furnishing as is necessary, and her declaration may be taken, and ought to be trusted as to the same.

Fol. Dic. v. 2. p. 239. Dirleton.

*** This case is No 212. p. 6005, *voce* HUSBAND & WIFE.

No 332. 1676. January 13. JOHNSTON *against* The DEAN of GUILD of Aberdeen.

Oath of Magistrates, if good against the town.

IN a suspension raised at Johnston's instance, who was charged for payment of the tack duties of the mills at the said Dean of Guild's instance, upon this reason, that it was offered to be proved by the Provost and Bailies who were then in office, that there was a promise made to him to obtain a decreet of thirlage against the feuars, which was never done. It was *answered*, That the reason was not probable by the oaths of the Bailies who were then in office, they being *functi officiiis*, none of them being in place but the present Provost,